

**MINUTES OF PUBLIC MEETING
FOR THE CORRECTIONS OFFICER RETIREMENT PLAN LOCAL BOARD
FOR THE SUPERIOR COURT**

A Public Meeting of the Corrections Officer Retirement Plan Local Board for the Superior Court was convened Wednesday, February 5, 2014, at 10:00 a.m., Conference Room 109, Arizona State Courts Building, 1501 West Washington Street, Phoenix, Arizona.

Board Members Present in Conference Room 109:

Kevin Kluge, Chair; Rob Lubitz, Mark Smalley, Jason Hathcock

Board Members Absent:

Phil Hanley

Also Present:

Annette Corallo, Board Secretary; Leticia Chavez, Recorder; Hannah Auckland, Board Attorney (via conference call); Court Reporter, Ottmar & Associates

Call to Order

Approval of the Minutes:

January 7, 2014, Public Meeting Minutes

January 7, 2014, Executive Session Minutes

January 7, 2014, Transcript of Proceedings – Open Session

January 7, 2014, Transcript of Proceedings – Executive Session

MOTION: A motion to approve the January 7, 2014 Public Meeting and Executive Session Minutes and transcripts was made by R. Lubitz. Motion was seconded and passed unanimously; minutes stand approved. **CORP 2014-11**

Normal Retirement Benefits:

The Local Board may consider and vote on the approval of Normal Retirement benefits for the following applications or defer decision to a later date:

Clayton, Kenneth W.

Estrella, Louis J. (Reverse DROP)

Johnson, Johnnie L.

Siqueiros, Jaime

The Board Secretary noted for the record that the effective retirement date for all applicants except Jaime Siqueiros is February 1, 2014. Mr. Siqueiros' retirement was effective December 1, 2013, so he will be paid retroactively if the Board approves his retirement.

Board member J. Hathcock questioned why the C12 form for Reverse DROP retirement does not indicate the amount of the survivor benefit as the C12 form for normal retirement does. The Board Secretary stated she would contact PSPRS with this question and to request that the survivor benefit amount be displayed on the C12 form for Reverse DROP retirees. She will update the Board on the response.

MOTION: A motion to approve the payment of Normal Retirement benefits to the following applicants in about the following amounts, for a CORP effective date of February 1, 2014, with the exception of Jaime Siqueiros whose CORP effective date was December 1, 2013, was made by J. Hathcock. Motion was seconded and passed unanimously. CORP 2014-12

Kenneth W. Clayton: \$2,256.85

Louis J. Estrella: \$2,299.02 (Reverse DROP Estimate of \$11,538.62)

Johnnie L. Johnson: \$2,490.69

Jaime Siqueiros: \$3,491.95

CORP Physical Exam Final Letters:

The Board Chair noted for the record that physical examination reports for Coleen M. Cowhey, Karen Crisler, Delbert E. Gibson III, Christopher Ibarra, Kenneth Mortenson, Ruby A. Shelby and Jennifer Voorheis were not received within 60 days of receipt of their membership applications, and that final letters requesting an examination were sent to these members via certified mail on January 21, 2014.

Consideration of Disability Applications: (taken out of order until the arrival of Applicant #09-03 to begin discussion of Agenda Item III.C)

C. Disability Application #09-03 – Annual Review (taken out of order)

The Board approved Application #09-03 for Accidental Disability benefits on February 24, 2011, after a re-hearing. On February 8, 2012, the Board voted to continue the Accidental Disability benefit after reviewing a re-evaluation IME conducted on January 24, 2012, and to review the case in one year. On February 5, 2013, the Board voted to continue the Accidental Disability benefit after reviewing medical records that indicated the applicant was undergoing revision surgery on February 6, 2013, for a failed total shoulder arthroplasty, and to review the case in one year. This matter is brought to the Board for an annual review pursuant to the Board's decision at its February 5, 2013 meeting. The applicant was advised via certified mail that the Board would hear the matter at this meeting. The applicant also advised she would attend the meeting.

The applicant was asked to provide medical treatment records since February 1, 2013, to assist the Board in determining whether an independent medical re-evaluation of the applicant's condition is necessary. Current medical records were received from the applicant on January 16, 2014.

Applicant #09-03 was present, and provided the Board with additional medical documentation regarding her condition and continued therapy. In the medical documentation, the doctor states that the applicant has shown improvement but continues to have moderate disability and significant limitations. The documentation from the doctor also stated that he anticipates permanent work restrictions that are relatively severe, with the nature of her injury such that he believes it would prevent her from ever being in a setting where she would have any inmate contact in addition to any substantial lifting. The applicant answered questions from board members about her ongoing care.

Per A.R.S. §38-886.01.D, the Local Board may require a disabled retiree to undergo a periodic reevaluation until a disabled retired member reaches their normal retirement date. Based on the medical records, the Board agreed that the applicant continues to meet the requirements for an Accidental Disability retirement but would like to review this case again in one year.

MOTION: A motion to continue the Accidental Disability benefit for Applicant #09-03 and review the case in one year was made by M. Smalley. Motion was seconded and passed unanimously. **CORP 2014-13**

B. Disability Application #09-01 – Annual Review (taken out of order)

The Board approved Application #09-01 for Ordinary Disability benefits on September 2, 2009. This matter was initially brought to the Board for an annual medical evaluation at its November 7, 2013 meeting. The Board was advised at that time that the applicant had responded she was having problems obtaining her medical records for the past year. She stated that she relocated to San Diego in September 2012 and returned to Arizona in late August 2013. Medical records were later received from the San Diego provider on January 13, 2014.

The applicant was advised via certified mail that the Board would hear the matter at this meeting.

The applicant was asked to provide all medical treatment records since September 1, 2012, to assist the Board in determining whether an independent medical re-evaluation of the applicant's condition is necessary.

The Board Secretary advised the Board that this applicant did not sign the confidentiality waiver to allow discussion of medical information in open session, so any discussion of the applicant's medical information should occur in executive session.

MOTION: A motion to enter Executive Session to discuss medical documentation was made by M. Smalley. Motion was seconded and passed unanimously. **CORP 2014-14**

MOTION: A motion to return to open session was made by M. Smalley. Motion was seconded and passed unanimously. **CORP 2014-15**

Per A.R.S. §38-886.01.D, the Local Board may require a disabled retiree to undergo a periodic reevaluation until a disabled retired member reaches their normal retirement date. Based on the

medical records provided, the Board agreed that the applicant continues to meet the requirements for an Ordinary Disability but would like review this case again in one year.

MOTION: A motion to continue the Ordinary Disability benefit for Applicant #09-01 based on the medical records submitted by the applicant, which appear to show no improvement in the applicant's condition, and to review the case in one year was made by J. Hathcock. Motion was seconded and passed unanimously. CORP 2014-16

A. Disability Application #13-01 – IME Review; Decision on Benefits (taken out of order)

The Board received Application #13-01 for Accidental Disability Retirement on August 21, 2013:

- The applicant was a Juvenile Detention Officer in Yavapai County who was assaulted by a juvenile in the detention facility on December 3, 2012.
- The application was filed by the member after the disabling incident and within one year of the applicant's termination. Yavapai County Human Resources confirmed that the applicant was terminated on June 14, 2013, when the employer was unable to accommodate an unpaid leave of absence due to the expiration of the applicant's FMLA. The applicant identified the disabling condition as psychological.
- The Board obtained all known medical reports of findings and treatment since the incident. All medical and Workers Compensation records were provided to the IME doctors before the applicant's appointments.
- The applicant was notified via certified letter that the Board would consider the application at this meeting and of the applicant's right to attend.
- The applicant initialed the Waiver of Confidentiality provision, to allow discussion of the medical condition in open public meeting.

After receiving the Board's notice that this matter would be considered on February 5, 2014, the applicant provided additional information via email.

#13-01 Pre-Existing Conditions:

The Board Secretary noted that the applicant's physical exam dated July 18, 2012, indicated the following pre-existing conditions: (1) GERD; (2) TMJ; and (3) hyperlipidemia.

#13-01 IME Report:

Dr. Gary Prince, a psychiatrist, performed an Independent Medical Examination of the applicant on December 19, 2013. The applicant also had an IME and testing with Dr. John Beck, a psychologist, on December 10, 2013. Dr. Beck's report was provided to Dr. Prince before the applicant's IME by Dr. Prince. Copies of both IME reports are provided.

Dr. Prince completed the Ordinary Disability Questionnaire (Form C5-LB-O) and answered the three questions posed by the Board in the letter dated November 21, 2013, referring the applicant for the IME.

The Board Secretary advised the Board that any motion to approve or disapprove the application should include a reference to the Independent Medical Evaluation upon which the determination is based. The Board can consider any medical evidence that the applicant may want to provide; however, the statutes are clear that a determination of disability shall be based on the IME. Material conflicts in medical evidence must be resolved by findings of the Board. Disability determinations by the State Comp Fund or other workers' compensation bodies are not binding on the Local Board.

MOTION: A motion to (1) approve Accidental Disability Retirement benefits for Applicant #13-01 based on the findings of the Independent Medical Evaluation conducted by Dr. Gary Prince for the Local Board, as set forth in his report dated December 19, 2013; (2) approve an Accidental Disability Benefit in the amount of \$1,435.57 effective July 1, 2013; and (3) review this matter again in one year pursuant to A.R.S. §38-886.D was made by M. Smalley. Motion was seconded and passed unanimously. CORP 2014-17

Board member J. Hathcock noted for the record that in response to the questions posed by the Board, Dr. Prince stated:

- (1) Applicant #13-01 does have a physical or mental condition that totally and permanently prevents her from performing a reasonable range of duties within her job classification;
- (2) the disability did not result from a physical or mental condition or injury that occurred prior to July 8, 2012 (her date of membership in CORP);
- (3) the disabling condition or injury occurred in the performance of the applicant's duties and was the result of physical contact with inmates;
- (4) the disabling condition or injury occurred in the performance of the applicant's duties and was the result of responding to a confrontational situation with inmates;
- (5) the disabling condition or injury was not the result of a job-related motor vehicle accident while on official business for the applicant's employer.

Approval of Membership:

The Local Board may consider and vote on the approval of the following requests for membership or defer decision to a later date:

Acuna, Janet	Maricopa	12/9/2013
Altamirano, Jose	Santa Cruz	7/28/2012
Alvarez, Xochilt	Pima	6/4/2012
Clark III, Wallace	Maricopa	1/21/2014
Cowhey, Coleen	Pima	7/29/2013
Crisler, Karen	Maricopa	11/11/2013
Crothers, Jennifer	Maricopa	5/31/2010
DeLaRosa Jr., Raul	Santa Cruz	11/17/2011
Delgado, Jesus	Yuma	11/26/2012

Fazz, Cesar	Yuma	10/11/2010
Fox, Daniel	Maricopa	5/2/2011
Gibson III, Delbert	Mohave	11/18/2013
Harrison, Zachary	Yuma	12/27/2011
Hughes, Jennifer	Yavapai	11/25/2013
Ibarra, Christopher	Pima	11/12/2013
Johnson, Erica	Pima	1/31/2011
Lett, Carolyn	Maricopa	1/6/2014
MacFarland, Kenneth	La Paz	12/17/2012
McAnly, Cole	Maricopa	5/2/2011
Mortenson, Kenneth	Santa Cruz	11/25/2013
Navarro, Corey	Yavapai	11/25/2013
Onyeforo, Chukwuemeka	Maricopa	11/1/2010
Panes, Ramona	Pima	12/15/2013
Pavlisick, Samuel	Maricopa	1/6/2014
Perez, Alexandria	Maricopa	1/6/2014
Quintanilla, Dana	Maricopa	4/15/2013
Romano, Andrea	Maricopa	7/1/2007
Schmitt, Patrick	Cochise	10/8/2012
Shelby, Ruby	Pima	8/19/2013
Smith, Christopher	Maricopa	1/6/2014
Snow, Nicole	Coconino	7/8/2013
Soto, Aline	Santa Cruz	7/28/2012
Voorheis, Jennifer	Pima	10/20/2013
Wolf, Jennifer	Yavapai	12/9/2013

MOTION: A motion to approve the 34 named employees requesting membership into CORP, and to note for the record that the physical examinations for applicants Jose Altamirano, Jennifer Crothers, Jennifer Hughes, Erica Johnson, Kenneth MacFarland, Cole McAnly, Chukwuemeka Onyeforo, Ramona Panes, Dana Quintanilla, and Patrick Schmitt identified a physical or mental condition or injury that existed or occurred before the member's date of membership in the plan, was made by R. Lubitz. Motion was seconded and passed unanimously. CORP 2014-18

Status Update: Membership Audit

The Board voted at its August 6, 2013, meeting to conduct an audit of Local Board membership records to ensure the Board's records are complete.

Staff received a list of all active AOC-CORP members from PSPRS and audited that list against Local Board records to determine if any membership records were missing at the Local Board level. Staff identified 274 discrepancies statewide (members who were missing records in the Local Board office).

Records are being retrieved, but slowly. The counties provided copies of membership applications very quickly, but most have been frustrated by slow/no responses from the medical providers who conducted the exams, primarily Concentra. The chart summarizes the status of exam retrieval by county as of January 24, 2014. The “Completed” column shows the number of members from that county whose membership form and exam have been received in the Local Board office, and processed through the Board for membership approval (through this meeting) or, in a few cases, left employment before or during the audit follow-up. The “Pending” column shows the number of members from that county whose exams are not yet received and have therefore not been processed through the Board for approval to date.

Staff was put in touch with the Area Operations Director for Concentra on January 22, 2014, and discussed sending a statewide list of exams pending retrieval. The conversation was encouraging and staff feels this approach is likely to produce a faster response from Concentra than the counties have been able to achieve individually.

Total membership is currently 2,158 per the Local Board database. Membership per PSPRS at the time of the audit was 2,130.

The Board Secretary also advised the Board that some exams appear to be irretrievable and asked how the Board would like to move forward with those employees. The Board agreed those employees should be sent for another exam and any noted pre-existing conditions will be handled on a case-by-case basis should an application for disability benefits be filed.

COUNTY	AUDIT		
	DISCREPANCIES	COMPLETED	PENDING
Apache	8	0	8
Cochise	23	2	21
Coconino	8	0	8
Gila	22	21	1
Graham	22	0	22
Greenlee	1	0	1
La Paz	1	1	0
Maricopa	65	7	58
Mohave	2	2	0
Navajo	11	5	6
Pima	29	12	17
Pinal	27	4	23
Santa Cruz	12	12	0
Yavapai	21	21	0
Yuma	22	18	4
TOTALS:		105	169

Call to Public:

No members of the public addressed the Board.

The meeting was adjourned at 11:10 a.m.

Transcribed February 5, 2014